

BILL ANALYSIS

Senate Research Center

H.B. 2912
By: Bosse (Harris)
Natural Resources
6/19/2001
Enrolled

DIGEST AND PURPOSE

The Texas Natural Resource Conservation Commission (TNRCC) protects the state's natural resources and human health by ensuring clean air, clean water, and the safe management of waste. The legislature created the agency in 1993, by consolidating the Texas Water Commission, Texas Air Control Board, and environmental programs from the Texas Department of Health. The agency implements state and federal environmental regulatory laws by issuing permits and authorizations for the control of air pollution, the safe operation of water and wastewater facilities, and the treatment, storage, and disposal of hazardous, industrial, municipal, and low-level radioactive waste. TNRCC ensures compliance with environmental laws by conducting inspections of regulated facilities, monitoring air and water quality, providing technical assistance, encouraging voluntary compliance, and taking formal enforcement action against suspected violators. The agency also develops programs for the cleanup and eventual reclamation of contaminated industrial and abandoned hazardous waste sites.

TNRCC is subject to the Texas Sunset Act and will be abolished September 1, 2001 unless it is continued by the legislature. In its review of TNRCC, the Sunset Advisory Commission (commission) found that the traditional, prescriptive regulatory approach focuses on outputs and does not adequately support innovation, provide incentives to reward performance, or solve persistent environmental problems. The commission also found that TNRCC lacks tools needed to better support its environmental protection mission and that additional changes are needed to ensure greater public access to the agency's decision making process. The commission's recommendations would give regulated entities a larger stake in and enable all affected groups to take a greater role in protecting the environment. H.B. 2912 continues TNRCC for 12 years and contains the commission's recommendations to better position the agency to address the state's environmental regulatory needs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTIONS 1.09 (Section 5.103, Water Code), 1.12 (Sections 5.127, 5.129, and 5.131, Water Code), 1.20 (Section 5.228, Water Code), 1.24 (Section 7.0025, Water Code), 2.01 (Section 361.0666, Health and Safety Code), 3.04 (Section 26.0291, Water Code), 4.01 (Section 5.753, 5.754, and 75.755, Water Code), 5.01 (Section 382.0215, 382.0216, 382.05182, 382.05184, 383.05185, and 382.05186, Health and Safety Code), 5.07 (Section 382.065, Health and Safety Code), 6.01 (Section 5.802, and 5.803, Health and Safety Code), 7.01 (Section 341.101, Health and Safety Code), 8.03 (Section 366.076, Health and Safety Code), 9.02 (Section 361.114, Health and Safety Code), 9.03 (Section 361.119, Health and Safety Code), 9.04 (Section 361.120, Health and Safety Code), 9.05 (Section 361.121, Health and Safety Code), 12.02 (Section 26.504, Water Code), 18.05, 18.08, 18.10, and 18.11 of this bill.

Rulemaking authority is expressly granted to the Texas Department of Health in SECTION 2.02 (Section 382.056, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. ADMINISTRATION AND POLICY

Sets forth provisions regarding the administration and policy of the Texas Natural Resource and Conservation Commission.

ARTICLE 2. NOTICE REQUIREMENTS

Sets forth provisions regarding notice requirements of solid waste facilities.

ARTICLE 3. FEES AND RATES

Sets forth provisions regarding fees and rates of solid waste facilities.

ARTICLE 4. PERFORMANCE-BASED REGULATION

Sets forth provisions regarding performance-based regulation.

ARTICLE 5. REGULATION OF AIR POLLUTION

Sets forth provisions regarding the regulation of air pollution from solid waste facilities.

ARTICLE 6. ACCREDITATION OF ENVIRONMENTAL TESTING LABORATORIES

Sets forth provisions regarding the accreditation of environmental testing laboratories.

ARTICLE 7. CERTIFICATION OF WATER TREATMENT SPECIALISTS

Sets forth provisions regarding the certification of water treatment specialists.

ARTICLE 8. REGISTRATION OF IRRIGATORS AND ON-SITE SEWAGE DISPOSAL SYSTEM INSTALLERS

Sets forth provisions regarding registration of irrigators and on-site sewage disposal system installers.

ARTICLE 9. REGULATION OF SOLID WASTE

Sets forth provisions regarding the regulation of solid waste.

ARTICLE 10. EDWARDS AQUIFER

Sets forth provisions regarding a report to be conducted by the Texas Natural Resource Conservation Commission on the Edwards Aquifer.

ARTICLE 11. MATTERS RELATED TO REMEDIATION

Sets forth provisions regarding matters related to remediation.

ARTICLE 12. REGULATION OF CERTAIN ANIMAL FEEDING OPERATIONS

Sets forth provisions regarding regulation of certain animal feeding operations.

ARTICLE 13. CONTAINMENT SYSTEMS REQUIRED FOR CERTAIN UNDERGROUND STORAGE TANKS

Sets forth provisions regarding containment systems required for certain underground storage tanks.

ARTICLE 14. REGULATION AND REMEDIATION OF UNDERGROUND AND ABOVEGROUND STORAGE TANKS

Sets forth provisions regarding regulation and remediation of underground and aboveground storage tanks.

ARTICLE 15. REGULATION OF AIR POLLUTION

Sets forth provisions regarding the regulation of air pollution.

ARTICLE 16. CONFORMING AMENDMENTS

Sets forth provisions regarding conforming amendments.

ARTICLE 17. REGULATION OF DISPOSAL OF ANIMAL REMAINS

Sets forth provisions regarding the regulation of disposal of animal remains.

ARTICLE 18. TRANSITIONS; EFFECTIVE DATE

Sets forth provisions regarding the transition of the commission and the effective date of this Act.

ARTICLE 19. ENVIRONMENTAL HEALTH

Sets forth provisions regarding establishment of the Texas Environmental Health Institute.

ARTICLE 20. OTHER REGULATORY PROVISIONS

Sets forth certain regulatory provisions regarding adjustments, contracts, and multiple treatment systems.